



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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February 6, 2001



Mr. William R. Guinther
Manager, Lead-Based Paint Hazard Control Program
New Hampshire Housing Finance Authority
32 Constitution Drive
Bedford, New Hampshire 03110

SUBJECT: Hazardous Waste Regulatory Status of Residential Lead-Based Paint Waste

Dear Mr. Guinther:

The New Hampshire Department of Environmental Services has received your September 18, 2000 letter regarding the EPA Memorandum that extends the household waste exclusion for residential lead-based paint (LBP) waste to contractors engaged in residential LBP activities. In your letter you ask whether the State of New Hampshire concurs with the position taken by EPA in this matter. Based upon a review of your letter, and a review of the EPA Memorandum, we offer the following:

In the Memorandum signed July 31, 2000 by EPA Director of the Office of Solid Waste, Elizabeth Cotsworth, EPA clarified that the RCRA household waste exclusion applies to waste generated by residential LBP activities (i.e., renovation, remodeling, and lead abatement) whether the waste is generated by residents or contractors. As a result of this clarification, contractors and residents may dispose of their LBP wastes from residential lead paint abatements as household garbage, thereby simplifying many lead abatement activities and reducing their costs. The main benefit of this policy change is that more residential lead abatements can occur protecting more children from continued exposure to lead paint in their homes and making residential dwellings lead safe for children and adults.

In consideration of the EPA Memorandum and the Department's desire to eliminate any unnecessary obstacle to residential lead abatement activities, we concur with the position taken by EPA on this issue. The attached Fact Sheet sets forth some Best Management Practices we believe should be followed when handling and disposing of residential LBP waste.

If you have any questions on this letter or the Fact Sheet, please feel free to call Tod G. Leedberg or John J. Duclos, of the Hazardous Waste Compliance Section, at 271-2942 or me at 271-2943.

Sincerely,

Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: DB/RPB
J. Duclos, DES – HWCS
T. Leedberg, DES – HWCS
R. Reed, DES – SWMB
K. Rota, EPA – NE
Neil Twitchell, DPHS